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7 Counsel for Plaintiff

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

10 JEFFREY DENNIS, an individual,

CASE NO.: 2:19-cv-00793

11 Plaintiff,

COMPLAINT

12 vs.

DEMAND FOR JURY TRIAL

13 SOC LLC, a Delaware limited liability company,
and MISSION SUPPORT AND TEST
14 SERVICES, LLC,

15 Defendant.

16 COMES NOW Plaintiff Jeffrey Dennis (“Plaintiff” or “Dennis”), by and through his
attorneys, the Garg Golden Law Firm, and files this Complaint against Defendant SOC LLC
17 (“SOC”) and Mission Support and Test Services LLC (“MSTS”) (SOC and MSTS, collectively
“Defendants”) alleging as follows:

18 **JURISDICTION AND VENUE**

19 1. This action is brought to remedy violations of the rights of Plaintiff under the
Americans with Disabilities Act, as amended by the ADA Amendments Act, 42 U.S.C. § 12101
20 *et seq.* (the “ADA”), and the corresponding Nevada Revised Statutes (“NRS”) § 613.310 *et seq.*
for discrimination.

21 2. Injunctive and declaratory relief, damages and other appropriate legal and equitable
22 relief are sought pursuant to 42 U.S.C. § 12101 *et seq.* and NRS § 613.330.

1 3. Venue is proper in this District pursuant to 42 U.S.C. § 12101 *et seq.* and NRS §
2 613.330, as all facts and circumstances surrounding Plaintiff's claims occurred in Nevada.
3 Additionally, this Court has supplemental jurisdiction over the claims in this action arising under
4 the laws of the State of Nevada pursuant to 28 U.S.C. § 1337 and the principles of pendent
5 jurisdiction.

PARTIES

7 4. Plaintiff at all relevant times was a resident of Clark County, Nevada.

8 5. On information and belief, SOC is a limited liability company organized under the
9 laws of Delaware, with operations in Nevada as the security contractor for the Nevada National
10 Test Site.

11 6. On information and believe, MSTS is a limited liability company organized under
12 the laws of Delaware, with operations in Nevada and manages the operations at the Nevada
13 National Test Site.

PROCEDURAL REQUIREMENTS

15 7. Plaintiff duly filed complaints with the U.S. Equal Employment Opportunity
16 Commission (“EEOC”) against both Defendants.

17 8. The EEOC issued to Plaintiff Notices of Right to Sue with regard to the complaints
18 against Defendants on or about May 7, 2019. Plaintiff exhausted all administrative remedies in
19 connection with this action.

20 9. Plaintiff fully complied with all prerequisites for jurisdiction in this Court to bring
21 claims under the ADA, ADAAA, and related Nevada Revised Statutes §§ 613.330. No
22 administrative prerequisite exists for Plaintiff's other claims.

GENERAL ALLEGATIONS

24 10. In or about August 2012, Plaintiff underwent a kidney transplant. The transplant
25 was successful, and Plaintiff has had no limitations or restrictions related to any types of work.

26 11. In or around June 2018, Plaintiff received a conditional offer of employment from
27 SOC for the position of Security Police Officer Trainee for its operations at the Nevada National
28 Test Site, which Plaintiff accepted.

1 12. The conditional offer required Plaintiff, among other things, to meet all medical,
 2 psychological, and physical fitness requirements for Basic readiness Standards as stated in 10
 3 C.F.R. 1046.

4 13. Under the law and under SOC and MSTS's guidelines, a kidney transplant is not a
 5 disqualifier for the position for which Plaintiff received a conditional offer.

6 14. Plaintiff disclosed all relevant medical information to Defendants.

7 15. Plaintiff passed the Phase I medical assessment.

8 16. Following the Phase II medical assessment, however, Plaintiff was denied
 9 employment based on alleged issues involving Plaintiff's renal function, and the conditional offer
 10 of employment was withdrawn by SOC and MSTS due to the alleged "need to accommodate
 11 changing work and meal schedules without potential incapacity."

12 17. Based on that determination, SOC and MSTS terminated Plaintiff's employment.

13 18. Nothing in Plaintiff's medical assessments, however, suggested that Plaintiff
 14 needed an accommodation in terms of work or meal schedules.

15 19. Plaintiff provided Defendants with a letter from his nephrologist indicating Plaintiff
 16 had no dietary or work restrictions for any type of job and that the renal issue indicated by the
 17 physician assistant, Todd Kuhnwald, PA, who evaluated Plaintiff, was merely due to case of
 18 diarrhea causing dehydration.

19 20. Nearly a year prior, Plaintiff had undergone a medical screening for a similar
 20 position at the Nevada National Test Site with the predecessor security contractor to SOC,
 21 Centerra, and was designated as being fit for "full duty."

22 21. The same physician assistant, Todd Kuhnwald, PA, evaluated Plaintiff in the prior
 23 assessment as well and reported no disqualifying issues.

24 22. Plaintiff attempted to appeal the withdrawal of his conditional offer of employment
 25 but was told that appeals are only available for existing employees.

26 23. Despite Defendants' actions and those of the medical professionals who evaluated
 27 Plaintiff, Plaintiff remained ready, willing, and able to perform the essential functions of the job
 28 for which he had received a conditional offer of employment.

1 **FIRST CLAIM FOR RELIEF**
 2 **(Disability Discrimination)**

3 24. Plaintiff repeats and realleges the allegations of the prior paragraphs as though fully
 4 set forth herein.

5 25. At all relevant times, Plaintiff was a qualified individual with a disability and who
 6 Defendants regarded as having additional disabilities that plaintiff did not have.

7 26. Although Plaintiff did not seek or request any accommodations, Defendants
 8 regarding Plaintiff as having a “need to accommodate changing work and meal schedules without
 9 potential incapacity,” which Defendants did not accommodate.

10 27. Although Plaintiff had no disqualifying medical conditions, Defendants
 11 discriminated against Plaintiff by terminating Plaintiff’s employment based on medical conditions
 12 that were not disqualifying conditions and regarding plaintiff as having additional medical
 13 conditions that he did not have.

14 28. As a direct and proximate result of Defendant’s conduct, Plaintiff is now suffering
 15 and will continue to suffer irreparable injury and monetary damages in the form of past, present,
 16 and future lost earnings; past, present, and future pain and suffering; and other losses associated
 17 with such embarrassment, humiliation, and mental and emotional pain in an amount to be
 18 determined at trial.

19 29. Defendant’s conduct was willful, intentional, oppressive, malicious, and done with
 20 a wanton and reckless disregard for the rights of Plaintiff, thereby warranting the imposition of
 21 punitive damages in an amount to be determined at trial.

22 30. As a result of Defendant’s conduct, Plaintiff has been required to retain the services
 23 of an attorney and, as a direct and foreseeable result has been damaged thereby and is entitled to
 24 reasonable attorney’s fees and costs.

PRAYER FOR RELIEF

26 WHEREFORE, Plaintiff respectfully requests that this Court enter judgment for Plaintiff
 27 as follows:

28 1. Declaring that the acts and practices complained of herein are in violation of the

ADA and NRS §§ 613.330;

2. Awarding judgment as appropriate and requiring Defendant to pay Plaintiff's compensatory damages, consequential damages, special damages, and any other damages described herein and to be proven at trial, including punitive damages, back pay, and front pay;

3. Awarding prejudgment interest;

4. Awarding Plaintiff fees and costs associated with bringing this action, in addition to reasonable attorney's fees as provided by the United States and or the Nevada statutes; and

5. Granting such other and further relief as this Court deems necessary and proper.

JURY DEMAND

Plaintiff demands a jury trial on all issues triable by a jury herein.

DATED this 7th day of May, 2019.

GARG GOLDEN LAW FIRM

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